



City of Raleigh *North Carolina*

To: Mayor Nancy McFarlane
Members of the City Council

From: Travis R. Crane, Planning and Zoning Administrator

Date: 29 April 2015

Re: City Council Work Session/UDO Zoning Map

The City Council has scheduled a work session on Monday, May 4th to begin review of the citywide UDO zoning map. Instead of performing a parcel-by-parcel review of the approximately 35,000 properties to be rezoned, staff suggests that general topics be discussed. Staff suggests two topics for the first work session. These topics are:

- Height in Downtown; and
- Residential Business Zoning

Each of these topics will be discussed separately. Staff will provide an overview of the topic and provide a visual presentation at the work session. This memorandum provides basic information of the two topics.

Height in Downtown

Under the previous Part 10 code, buildings in excess of 80 feet could only be approved through Planning Commission or City Council approval. Most legacy zoning districts have a height limit of 50 feet at the setback line. Building height can increase to a maximum of 80 feet, but only if building setback is increased. If a property owner wished to construct a building in excess of 80 feet (roughly six stories) either Planning Commission or City Council approval was required for the site plan.

The UDO has shifted from a tiered height allowance to an absolute maximum height. This means that every property with mixed use zoning must have an associated height district. There are seven height districts in the UDO. Height is measured in both maximum number of stories and feet.

The height districts are as follows:

| Number of Stories | Measurement in Feet |
|-------------------|---------------------|
| 3 | 50 |
| 4 | 62 |
| 5 | 75 |
| 7 | 90 |
| 12 | 150 |
| 20 | 250 |
| 40 | 500 |

When drawing the initial UDO zoning map, staff used certain information as guidance. First, staff reviewed the existing buildings located on the property. Second, staff reviewed approved site plans for projects not yet constructed. Finally, staff reviewed specific area plans or studies where building height is referenced.

The question of building height in downtown was somewhat more complicated. There are existing tall buildings in downtown; buildings in excess of 20 stories were constructed next to buildings with much less height. The adopted Comprehensive Plan may suggest greater building height in certain locations of downtown; however, there are edge areas designated in the Downtown Element of the Plan that suggest building height should taper at the edge of downtown. There are also zoning overlay districts currently mapped in and around downtown that constrain building height. Staff attempted to minimize jarring transitions in height given these opposing factors, although in some instances this was difficult to achieve. For instance, there is a historic overlay district located in close proximity to two very tall buildings on the south edge of downtown.

The Planning Commission reviewed the topic of height in downtown and recommends some alterations. The recommendations are mostly for an increase to building height in certain locations. The recommendations of the Commission are generally as follows:

- Hillsborough and Morgan Street between McDowell and Boylan: changed height from 12 to 20 stories
- McDowell and Dawson between Davie and South: changed height from 12 to 20 stories
- Salisbury and McDowell between South and Western: changed height from 7/12 stories to 20 stories
- Hargett & Martin between Person & Bloodworth: changed height from 7 stories to 12 stories
- West side of Blount between Cabarrus and South: changed height from 5/7 stories to 4/12 stories
- West side of Wilmington between Hargett and Martin: changed height from 40 stories to 5 stories
- Area south of Railroad Wye: changed height from 3/4 stories to 4/7 stories

Staff will present these areas of change along with a three dimensional model of downtown at the work session. Two maps are attached to this memorandum. The maps represent the original staff draft of height in downtown and the revised Planning Commission recommendation. These maps only detail the height districts.

Residential Business

The RB zoning district is a legacy district that is not replicated in the UDO. This district permits a wide palette of residential, office and commercial uses. The district is similar in nature to other commercial districts, with certain exceptions. The district does not permit the following uses which are commonly found in other commercial districts:

- Bar/nightclub/tavern
- Car wash
- Hospital
- Veterinary hospital
- Bank (with a drive through)
- Eating establishment (with no drive through; no onsite alcohol consumption)
- Hotel
- Convenience retail (apparel, drugstore, books, florist, furniture, laundry, music, jewelry, shoes, sporting goods, etc.)

There are two primary areas of the city which are mapped with Residential Business zoning. These areas are Glenwood south and east of downtown. The area to the east of Downtown is currently mapped within the Downtown Overlay District. The DOD does not regulate use; although it does permit very tall buildings through Planning Commission site plan review. When staff drafted the UDO zoning map, the area east of downtown that coincides with the DOD was mapped to DX. Staff believed that this zoning district provided a faithful translation of the existing entitlements.

At Issue

During the review of an ongoing zoning case, staff was made aware of certain issues related to the proposed UDO rezoning for the properties with RB zoning on the east side of downtown. The zoning case under review is known as Z-28-14, which is located at the southeast corner of Cabarrus and Person Streets. This rezoning request is set for public hearing at the City Council on June 2, 2015. During the Planning Commission discourse, several nearby residents expressed concern over the property owner's request to rezone the property to DX zoning.

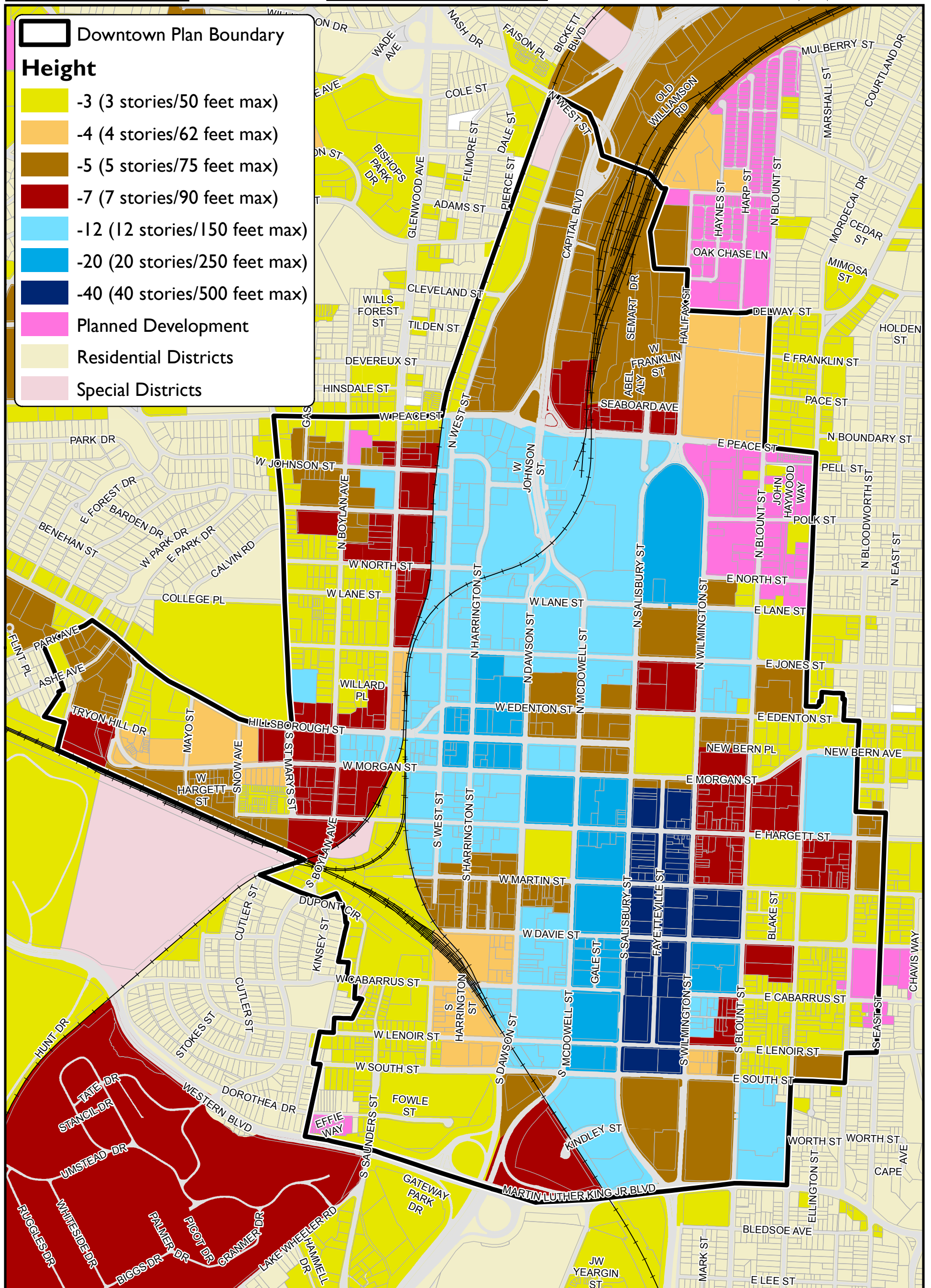
The discussion was primarily related to the ability to consume alcohol. The RB district does not permit bars, nightclubs, taverns or lounges. While the district permits restaurants, these restaurants may not sell alcohol. There is no mixed use district in the UDO that restricts the sale of alcohol. The State ABC Commission issues licenses that would permit the sale and consumption of alcohol. While the State takes local law under advisement, the local zoning laws are not binding.

In response to the conversation surrounding Z-28-14, staff suggests alterations to the UDO zoning map in the area south and east of downtown. Staff will present a revised recommendation at the work session.

RALEIGH

Unified Development Ordinance

Remapping Raleigh



Planning Commission Recommendation: Downtown Heights

